

MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

August 27, 2012

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **August 27, 2012**, at 6:52 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; and Ms. Catherine Windham, Interim Clerk to Council. Mr. Jack H. Schurlknight, Council Member District No. 6, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis: "At this time, I'll call our Regular County Council Meeting to order. Madame Clerk, has this meeting been advertised via the Freedom of Information Act?"

Ms. Windham: "Yes, Sir, it has."

Chairman Daniel Davis: "Ok; thank you."

APPROVAL OF MINUTES

Chairman Daniel Davis: "First order of business is the approval of minutes. We have Public Hearing minutes from July 23, 2012 and Regular Council Meeting minutes of July 23, 2012."

It was moved by Council Member Farley and seconded by Council Member Pinckney to **approve** the minutes, as presented.

Council Member Fish: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Fish."

Council Member Fish: “On the last minutes there was some issue about Mr. Callanan giving us the name of who he talked to regarding electronic transmission in those minutes. I’d just like to follow up before we approve that to see if he has that information that was in conflict with the County Attorney.”

Council Member Callanan: “Yes, thank you. The name, I think, was the question that was being asked at who I referenced from the Association of Counties. It was an instructor for the Institute of Government, which is an off-shoot of the Association of Counties by the name of Helen McFadden. I did not want to bring up her name last time, because I had not spoken to her yet. I did speak to her yet. It is still in her belief that on more of grounds of, of the issue of having the right to petition government for redress of grievances that, that a body that can criminalize activity, issue fees, restrict the use, the free use of real and public and personal property that those individuals should be, that those meetings needed to be – members of those committees needed to attend the meeting. I think the way she put it was that a meeting, as defined in FOIA, is, is a – wait – omitted from the definition of meeting as defined in FOIA is the provision for electronic meetings as it is doubtful that such meetings would be legal form for a body that can spend government funds and pose fees and taxes, create new laws that would impose criminal penalties. So, that was just, you know, they had a question of where the difference in opinion was. That was my individual from the Association of Counties who had that opinion. Thank you.”

Chairman Daniel Davis: “Alright, thank you. That won’t impact the previous minutes, but that statement will be on these next minutes.”

Council Member Callanan: “Thank you.”

Council Member Fish: “Thank you.”

The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION – none

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

REPORTS FROM STANDING COMMITTEES

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

In Chairman Schurlknight's absence, Acting Chairman Pinckney: "Yes, Mr. Chairman, the Committee on Finance met earlier this night. All matters on the agenda have been addressed."

(That concluded Chairman Schurlknight's report.)

Committee on Land Use
Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: "Mr. Chairman, the Committee on Land Use met on August the 13th and earlier this evening."

Contract with Tax Management Association

Chairman Farley: "On recommendation of the Committee, I move to **authorize** Real Property Services to enter into a contract with Tax Management Association to provide a four (4) percent audit." *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Farley's report.)

Committee on Public Works and Purchasing
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: "Mr. Chairman, the Committee on Public Works and Purchasing met on August 13, 2012, and earlier this night."

a. Sole Source Purchase for Hecon Software

Chairman Pinckney: "On recommendation of the Committee, I move to **approve** the sole source purchase of Hecon Software from High Tech Accessory Items, Incorporation, for the Register of Deeds Office. The funds are included in this year's budget." *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Sole Source Purchase for Appraisal Software

Chairman Pinckney: "Also, on recommendation of the Committee, I move to **approve** the sole source purchase of appraisal software for the Assessor's Office from Patriot Properties, Incorporation, in the amount of \$80,000.00." *(No second required.)*

The motion passed by unanimous voice vote of Council.

c. Contract Extension for Yard Waste Grinding

Chairman Pinckney: “Also, on recommendation of the Committee, I move to **approve** the one-year contract extension for yard waste grinding to D.S. Utilities at the rate of \$6.50 per ton.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

d. Town of Moncks Corner Variance Request

Chairman Pinckney: “Also, on recommendation of the Committee, I move that the Town of Moncks Corner and Berkeley County **enter** into a Memorandum of Understanding that would allow the County to assist the Town with future maintenance as it relates to their public park.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Pinckney’s report.)

**Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: “Mr. Chairman, the Committee on Justice and Public Safety met on August 13, 2012.”

EPD Grant Award

Chairman Steve Davis: “On recommendation of the Committee, I move to **authorize** the Emergency Preparedness Department’s utilization of grant funds, in the amount of \$65,664.00, with matching funds from the County to be in-kind services.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Davis’ report.)

**Committee on Water and Sanitation
Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: “No report, Mr. Chairman.”

(That concluded Chairman Call’s report.)

**Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman**

Chairman Cathy Davis: “Yes, the Committee on Planning and Development met on August 13, 2012, and all matters on the agenda have been addressed.”

(That concluded Chairman Cathy Davis’ report.)

Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: “No report, Mr. Chairman.”

(That concluded Chairman Callanan’s report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: “No report, Mr. Chairman.”

(That concluded Chairman Fish’s report.)

THIRD READING

“BILL NO. 12-17, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #195-12-01-006.”
(William & Theresa Price)

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve** Bill No. 12-17 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 12-08-24 is attached to these minutes.)*

“BILL NO. 12-18, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #031-00-03-044 and TMS #031-00-03-045.”
(Ray Sedgwick)

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to **approve** Bill No. 12-18 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 12-08-25 is attached to these minutes.)*

“BILL NO. 12-19, AN ORDINANCE AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE A QUIT CLAIM DEED FROM BERKELEY COUNTY TO MWV-SHEEP ISLAND, LLC, FOR THE PROPERTY HEREIN DESCRIBED AS A PORTION OF TURTLE POND ROAD.”

It was moved by Council Member Pinckney and seconded by Council Member Fish to approve Bill No. 12-19 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-08-26 is attached to these minutes.)

“BILL NO. 12-20, AN ORDINANCE APPROVING AN AMENDMENT TO THE PLANNED DEVELOPMENT MIXED USE ASSESSMENT FOR CANE BAY PLANTATION, BERKELEY COUNTY, SOUTH CAROLINA, DATED JANUARY 4, 2005, AS AMENDED (THE “PDMU”).”
(Liquor Stores)

It was moved by Council Member Fish and seconded by Council Member Pinckney to approve Bill No. 12-20 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-08-27 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“BILL NO. 12-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-045.”
(James Patenaude for Yeros Investments)

“BILL NO. 12-22, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #141-00-02-011.”
(Berkeley County Council for Shelby Ann Clark)

“BILL NO. 12-23, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #196-13-00-005.”
(Farmers and Merchants Bank)

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve Bill Nos. 12-21, 12-22 and 12-23 for Second Reading by one motion. The motion passed by unanimous voice vote of Council.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration. There was one bill for First Reading.

FIRST READING

“BILL NO. 12-24, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA (THE ‘COUNTY’), AND NUCOR CORPORATION (THE ‘SPONSOR’), WITH RESPECT TO THE EXPANSION OF THE SPONSOR’S MANUFACTURING FACILITY WITHIN THE COUNTY (THE ‘PROJECT’); WHEREBY, THE PROJECT WILL BE SUBJECT TO CERTAIN FEES IN LIEU OF AD VALOREM PROPERTY TAXES, SPECIAL SOURCE REVENUE CREDITS, THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL PARK AGREEMENT, AND OTHER MATTERS RELATED THERETO.”

RESOLUTIONS

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2012-2013 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Pinckney and seconded by Council Member Fish to **approve** the resolution providing for a transfer of funds. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 12-19 is attached to these minutes.)

“RESOLUTION APPROVING A FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN BMG III, LLC, MRG, LLC, JTG, LLC, AND BERKELEY COUNTY DATED NOVEMBER 1, 2006, AND RECORDED IN THE BERKELEY COUNTY REGISTER OF DEEDS, (THE ‘RMC’), ON NOVEMBER 8, 2006, IN VOLUME 6114, AT PAGE 1 (THE ‘DEVELOPMENT AGREEMENT’), PURSUANT TO THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT AND BERKELEY COUNTY ORDINANCE 97-01-02, AS AMENDED, AND AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE SAID FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT.”

It was moved by Council Member Fish and seconded by Council Member Steve Davis to **approve** the resolution approving a first amendment to the development agreement by and between BMG III, LLC, MRG, LLC, JTG, LLC, and Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 12-20 is attached to these minutes.)

“RESOLUTION CONSENTING TO THE ABANDONMENT OF CERTAIN RIGHT-OF-WAY, HEREIN DESCRIBED AS PORTIONS OF ROSE DRIVE FOR THE PURPOSE OF REALIGNING ROSE DRIVE.”

It was moved by Council Member Fish and seconded by Council Member Cathy Davis to **approve** the resolution consenting to the abandonment of a certain right-of-way, described as portions of Rose Drive for the purpose of realigning same. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 12-21 is attached to these minutes.)

OLD BUSINESS

**1. Sheriff's Department
Acceptance of Edward Byrne Memorial Justice Assistance Grant (JAG)**

Chairman Daniel Davis: "This item will need acceptance of the grant, in the amount of \$43,963.00."

It was moved by Council Member Steve Davis and seconded by Council Member Callanan to **approve** the acceptance of an Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$43,963.00, for the Sheriff's Department. The motion passed by unanimous voice vote of Council.

**2. Sheriff's Department
Grant Adjustment Notice Fiscal Year 2010 Justice Assistance Grant (JAG)**

Chairman Daniel Davis: "Also, for the Sheriff's Department, a grant adjustment notice for fiscal year for '10."

It was moved by Council Member Steve Davis and seconded by Council Member Fish to **approve** a grant adjustment notice for Fiscal Year 2010 Justice Assistance Grant. The motion passed by unanimous voice vote of Council.

**3. Emergency Preparedness
Amendment of Fiscal Year 2009
Citizens Corp Cooperative Agreement Award**

Chairman Daniel Davis: "And then finally, for Emergency Preparedness, an amendment to the 2009 Citizens..."

It was moved by Council Member Steve Davis and seconded by Council Member Call to **approve** an amendment to the Fiscal Year 2009 Citizens Corp Cooperative Agreement Award. The motion passed by unanimous voice vote of Council.

Ms. Windham: "Mr. Chairman, can we go back to nominations?"

Chairman Daniel Davis: "Pardon me?"

Ms. Windham: "Were there any nominations?"

Chairman Daniel Davis: "We haven't, I haven't done that yet. I was getting ready to do that now."

NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS

Chairman Daniel Davis: “We have an opportunity for nominations to – oh, I see. I skipped over that. I’m sorry. We have an opportunity for nominations on boards and commissions. Do I have any nominations at this time?”

There were no nominations.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The September 2012 Regular Meeting of Berkeley County Council will be held on Monday, **September 24, 2012**, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Steve Davis and seconded by Council Member Call to adjourn the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 7:07 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

Public Discussion commenced at 7:13 p.m.

Chairman Daniel Davis: “Ms. Linda Harkins?”

Ms. Harkins: “Ok; good evening Mr. Davis and Members of County Council. My name is Linda Harkins. I am a concerned, life-long resident of the Sandridge Community. The Sandridge Community, as you know, is located in rural, unincorporated Berkeley County. It

includes Highway 27, Mudville, Poplar Hill Drive, a portion of Highway 311, and a portion of Highway 176. Our crime rate has greatly increased. Things are happening from gas being stolen to stolen vehicles, lawnmowers and other yard-care items, trespassing on private property. We've been awakened by people talking outside our bedroom window. Mail boxes and paper boxes have been ripped up, and other items have been tampered with. We also have found out that we have teenagers out walking the roads at all hours into the wee hours of the morning, and at times, we have found those teenagers with flashlights. Vandalism is on the increase in our area, as well as surrounding areas. We have drug problems that exist in our community. We have an increase of people moving into our area. We no longer know who is in our community. Some of these people don't want to – they don't want you to know who they are. They don't want you to know anything about them. On July the 16th of this year, my husband and I have a piece of property down from our home where we used to operate the country store, and this was an old, well-built building. It was put together back in 1947 off of that good timber that was growing on the land. We use to operate the store there, and we had an attempted break-in. They were unable to break in, but they did vandalize the building. They broke out windows, tore up screens, just did all kind of things that they could do, but they were unable to get in. After that, we repaired everything, and got everything fixed back up. Ten days later, they came back with a truck or some sort of vehicle and just pushed the doors down, left the locks and everything on, just pushed it down. But, there's been several other situations that also have happened to us, as well as others in our area. The Berkeley County Sheriff's Department has been called and made aware of the things that are going on in our community. They do respond, but it takes them 30 minutes or longer for an officer to come out. Our community needs a faster response time. We need the presence of law enforcement in our area."

Council Member Steve Davis: "Amen."

Ms. Harkins: "Our people are afraid. Some are applying for weapon permits. Some already have them. I don't want to see some innocent person hurt or maybe even killed. I come to you tonight to make you aware of our need, which is the presence of law enforcement in our community. A decision has been made through a community meeting at the tri-community center to form a Crime Watch Program in the Sandridge Community. My husband, John Harkins, has a meeting on Thursday morning with Sergeant Ross, from the Berkeley County Sheriff's Department, to begin the steps to organize that program. We're making a step to help ourselves as a community to prevent crimes and vandalism in our community. We need the support of County Council, and we need the Berkeley County Sheriff's Department to help us in preventing crimes and vandalism in the Sandridge Community. I do not know what may stand in the way of increasing law enforcement in the Sandridge Community. I've heard some of our people say that it's money. This is something that I know nothing about, but tonight, I'm asking you to help us, the Sandridge Community, to help us solve our problem, help us to improve our community, help us to make our people feel safer, and help us to promote a better quality of life for the people of rural Berkeley County. I thank you."

Chairman Daniel Davis: "Thank you."

Council Member Pinckney: "Thank you."

Council Member Steve Davis: “Very well; thank you; and Ms. Harkins, I was gonna say as a County Council Member, I share, and I hear your concern, and I’ve been brow-beating the Sheriff for satellite deputies in the areas. I live somewhat similar in the rural part of the County. By the time they’ve come, the noise of restraint – they’ve gone out of the area, but we’re gonna continue to press on and see if we can convince the Sheriff to have someone who is a presence in the community, because I share – and your concern is legitimate, and hopefully, we can impress the Sheriff as a group, this whole County Council, that we do need satellite policing in the outer, rural parts of Berkeley County. So, I commend you for coming forward. Thank you very much.”

Ms. Harkins: “Thank you very much.”

Council Member Pinckney: “Thank you very kindly.”

Chairman Daniel Davis: “Is there anyone else? I only had one signed up.”

There were no others to speak.

Chairman Daniel Davis: “Alright; thank you all very much.”

Public Discussion concluded at 7:18 p.m.

s/Catherine Windham
Interim Clerk to Council

24 September 2012
Date Approved

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, AUGUST 27, 2012**, following Public Hearings and the meetings of any scheduled Committees at **6:04 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

CALL TO ORDER

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

APPROVAL OF MINUTES:

Public Hearings: Bill No. 12-15, 12-16
Regular Council Meeting

July 23, 2012
July 23, 2012

PUBLIC DISCUSSION - Requests to be heard must be made prior to Call to Order and comments must be limited to agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance**
Council Member, Mr. Jack H. Schurlknight, Chairman
- 2. Committee on Land Use**
Council Member, Mr. Phillip Farley, Chairman
 - a. Contract with Tax Management Association.

3. **Committee on Public Works and Purchasing**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman
 - a. Sole Source Purchase for Hecon software.
 - b. Sole Source Purchase for Appraisal software.
 - c. Contract extension for Yard Waste Grinding.
 - d. Town of Moncks Corner Variance Request
4. **Committee on Justice and Public Safety**
Council Member, Mr. Steve C. Davis, Chairman
 - a. EPD Grant Award.
5. **Committee on Water and Sanitation**
Council Member, Mr. Robert O. Call, Jr., Chairman
6. **Committee on Planning and Development**
Council Member, Mrs. Cathy S. Davis, Chairman
7. **Committee on Community Services**
Council Member, Mr. Timothy J. Callanan, Chairman
8. **Committee on Human Services**
Council Member, Mr. Dennis Fish, Chairman

THIRD READING:

1. **Bill No. 12-17**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: William and Theresa Price**, located at 248 Harvest Road, Moncks Corner, **TMS #195-12-01-006**, (3.66 ± acres), from **R-2, Manufactured Residential District**, to **R-2R(F), Mobile Home Rural Farm Residential District**. Council District 6
2. **Bill No. 12-18**, an **ordinance** to modify the Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Ray Sedgwick**, located at 1020 English Drive (Canal Lakes Fish Camp), Cross, **TMS #031-00-03-044 and TMS #031-00-03-045**, (10.12 ± acres), from **GC, General Commercial District (-044)**, and **R-3, Mobile Home Park District (-045)**, to **RNC, Rural Neighborhood Commercial District**. Council District 7
3. **Bill No. 12-19**, an **ordinance** authorizing the County Supervisor to execute a **Quit Claim Deed** from Berkeley County to **MWV-Sheep Island, LLC**, for the property herein described as a portion of **Turtle Pond Road**.

4. **Bill No. 12-20**, an **ordinance** approving an amendment to the **Planned Development Mixed Use Assessment for Cane Bay Plantation**, Berkeley County, South Carolina, dated January 4, 2005, as amended (the “PDMU”).

SECOND READING:

1. **Bill No. 12-21**, an **ordinance** to modify the Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: James Patenaude for Yeros Investments**, located at 2509 Clements Ferry Road, Charleston, **TMS #271-00-02-045**, (5.01 +/- Acres) from **GC, General Commercial District to LI, Light Industrial District**. Council District 8.
[Recommended by Land Use Committee]
2. **Bill No. 12-22**, an **ordinance** to modify the Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Berkeley County Council for Shelby Ann Clark**, located 216 & 217 Kaney Lane, Moncks Corner, **TMS #141-00-02-011** (13.52 +/- Acres) from **PDMU, Planned Development Mixed Use District to Flex-1, Agricultural District**. Council District 6.
[Recommended by Land Use Committee]
3. **Bill No. 12-23**, an **ordinance** to modify the Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Farmers and Merchants Bank**, located at 2725 South Live Oak Drive, Moncks Corner, **TMS #196-13-00-005**, (0.67 +/- Acres) from **R-2, Manufactured Residential District to GC, General Commercial District**. Council District 6.
[Recommended by Land Use Committee]

FIRST READING:

1. **Bill No. 12-24**, an **ordinance** authorizing the execution and delivery of a **Fee Agreement** by and between Berkeley County, South Carolina (the “County”), and **Nucor Corporation** (the “Sponsor”), with respect to the expansion of the sponsor’s manufacturing facility within the County (the “Project”), whereby the project will be subject to certain fees in lieu of ad valorem property taxes, special source revenue credits, the benefits of a multi-county industrial park agreement, and other matters related thereto.
[Recommended by Finance]

RESOLUTION:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2012-2013 Berkeley County Budget** for County purposes other than as specified in said budget.

2. **RESOLUTION** approving a **First Amendment** to that certain **Development Agreement** by and between **BMG III, LLC, MRG, LLC, JTG, LLC** and Berkeley County dated November 1, 2006 and recorded in the Berkeley County Register of Deeds, (the “RMC”) on November 8, 2006 in Volume 6114 at Page 1 (The “Development Agreement”) pursuant to the South Carolina Local Government Development Agreement Act and Berkeley County Ordinance 97-1-2, as amended, and authorizing the County Supervisor to execute said First Amendment to the Development Agreement.
3. **RESOLUTION** consenting to the **abandonment of certain right of way** herein described as portions of **Rose Drive** for the purpose of realigning Rose Drive.

NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS

Aeronautics Commission
Berkeley Rural Transportation Management Assoc.
Charleston Area Transportation Study
Charleston Regional Development Alliance
Construction Board Of Appeals
Council Of Governments
Devon Forest Special Tax District
Goose Creek Recreation Commission
Library Board
Mental Health Board
Pimlico Tax District
Special Fire Tax District
Tall Pines Special Tax District
Tax Assessment Review Board
Zoning Appeals Board

CORRESPONDENCE

OLD BUSINESS

1. Sheriff's Department - Acceptance of the Edward Byrne Memorial Justice Assistance Grant (JAG)
2. Sheriff's Department – Grant Adjustment Notice FY10 Justice Assistance Grant (JAG).
3. Emergency Preparedness - Amendment to the FY2009 Citizens Corps Cooperative Agreement Award.

NEW BUSINESS

ANNOUNCEMENTS

The **September 2012 Regular Meeting of Berkeley County Council** will be held on **Monday, September 24, 2012**, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

August 22, 2012
s/Catherine R. Windham
Interim Clerk to County Council